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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,944	05/01/2007	Erik Berminge	47113-5094-00-US	2359
55694 7590 06/09/2009 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209				
EXAMINER				
ADDRESSEE, SARA				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
06/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,944

Applicant(s)

BERMINGE ET AL.

Examiner

SARA ADDISU

Art Unit

3724

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **6/4/09** has been entered.

Claim Rejections - 35 USC § 103

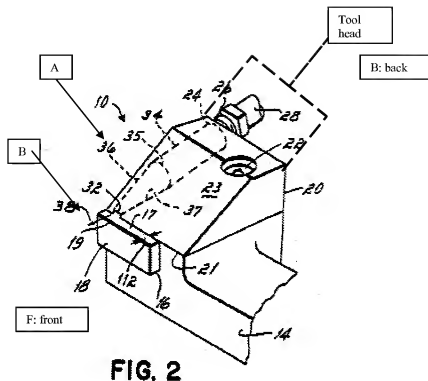
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yankoff (USP 4,621,547).

Regarding claims 1-3, 5, 9-15, 17, YANKOFF teaches in a cutting tool for parting and grooving operations, a tool head comprising a basic holder part (A: see figure below) and, joined to the basic holder part (A), a blade part (B: wherein the basic holder part and the blade part are formed in one piece, the basic holder part having considerably larger width than the blade part) in a front portion (Examiner defining the front to be F) of which an insert pocket (16) is formed, in which a cutting insert (18) is

fastenable (i.e. via what appears to be brazing), the cutting tool comprising means for supplying cooling agent to the cutting insert, wherein said cooling agent supplying means includes a tube member (34 & 36 as a unit), which is mounted in a recess of the basic part (A), which is horizontally transverse to a longitudinal direction of the blade part and arranged in the tool head, the tube member having an inlet (28) for connection to a cooling agent source and an outlet/leading channel (32) for leading the cooling agent in a direction towards the cutting insert ('547 figures 1 and 2 and col. 1, lines 17-20). Regarding claims 1 and 10-12, YANKOFF discloses the claimed invention except for the tool head being detachably connected to a coupling part (i.e. YANKOFF teaches an integral part). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the tool head detachable for easy of exchange (for e.g. when performing repair, sharpening of dull blades..etc), because it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Regarding claims 4, 6, 8, 16, 18 and 20, YANKOFF teaches in figure 2, the tube member receiving recess in the tool head has a longitudinal extension substantially perpendicular to the longitudinal extension of the blade part and wherein the outlet (32) of the tube member is arranged at substantially the same level vertically as the cutting insert in the insert pocket. Regarding claims 7 and 19, YANKOFF teaches tube member has a substantially cylindrical basic shape and has at least two sections (34 & 36) with different diameters ('547, figure 2).



Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are not persuasive.

In response to Applicant's response (page 9) that "Yankoff fails to disclose at least "a blade part" and a insert pocket formed in a front portion of the blade part.....However, Applicants do not see anything in the figures of Yankoff that meets the ordinary meaning of "blade part". Typical dictionary definition of "blade" includes something resembling a blade of a leaf such as the broad flattened part of an oar, paddle or fan. "Blade" in these definitions and comparisons is referring to the three dimensional shape having two opposing broad surfaces with a thin depth between them, and nor a two dimensional surface as apparently used by the Office Action to

define a "blade part". In contrast to the blade part of the claims, Yankoff describes a support bar (14) with substantial thickness without two opposing brad surfaces separated by a depth.", Examiner respectfully points out that the limitations on which the applicant relies are not stated in the claims. Although these limitations are found as examples in the dictionary, they were not claimed explicitly or even defined as such in the Specification. A reading of the dictionary (or Specification) provides no evidence to indicate that these limitation must be imported into the claims to give meaning to disputed terms. Furthermore, Examiner asserts that reading the claims broadly, Yankoff's reads on the claim since the blade part is being defined by the Examiner as part (B) (i.e. the surface facing the Examiner defined "front" which includes part of (14) that is located just below the insert). .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sara Addisu/
Examiner, Art Unit 3724
6/5/09

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724